

**§ 52.1389**

**§ 52.1389 [Reserved]**

**§ 52.1390 Missoula variance provision.**

The Missoula City-County Air Pollution Control Program's Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

**§ 52.1391 Emission inventories.**

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at § 52.1370(c)(60)), the Governor of Montana submitted a PM-10 emission inventory for the Thompson Falls area as a SIP revision. The PM-10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

[62 FR 65616, Dec. 15, 1997, as amended at 69 FR 3012, Jan. 22, 2004]

**40 CFR Ch. I (7-1-04 Edition)**

**Subpart CC—Nebraska**

**§ 52.1420 Identification of Plan.**

(a) Purpose and scope. This section sets forth the applicable SIP for Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to November 5, 2003, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after November 5, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of November 5, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW. (Mail Code 6102T), Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA-approved regulations.

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## EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>STATE OF NEBRASKA</b>				
<b>Department of Environmental Quality</b>				
<b>Title 129—Nebraska Air Quality Regulations</b>				
129-1 .....	Definitions	11/20/02	09/05/03, 68 FR 52694.	Section 001.02 is not SIP approved.
129-2 .....	Definition of Major Source	07/10/02	07/08/03, 68 FR 40530.	
129-3 .....	Region and Subregions	6/26/94	1/04/95, 60 FR 372.	
129-4 .....	Ambient Air Quality Standards	04/01/02 07/10/02	07/08/03, 68 FR 40530.	
129-5 .....	Operating Permit	11/20/02	09/05/03, 68 FR 52694 .....	
129-6 .....	Emissions Reporting	11/20/02	09/05/03, 68 FR 52694.	
129-7 .....	Operating Permits—Application	8/22/2000	5/29/02, 67 FR 37327.	
129-8 .....	Operating Permit Content	8/22/2000	5/29/02, 67 FR 37327.	
129-9 .....	General Operating Permits for Class I and II Sources	5/29/95	10/18/95, 60 FR 53872.	
129-10 .....	Operating Permits for Temporary Sources	9/7/97	1/20/00, 65 FR 3134.	
129-11 .....	Operating Permits—Emergency; Defense	5/29/95	10/18/95, 60 FR 53872.	
129-12 .....	Operating Permit Renewal and Expiration	5/29/95	2/09/96, 61 FR 4899.	
129-13 .....	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit	5/29/95	10/18/95, 60 FR 53872.	
129-14 .....	Permits—Public Participation	5/29/95	10/18/95, 60 FR 53872.	
129-15 .....	Operating Permit Modification; Reopening for Cause	5/29/95	10/18/95, 60 FR 53872.	
129-16 .....	Stack Heights; Good Engineering Practice (GEP)	12/15/1998	5/29/02, 67 FR 37327.	
129-17 .....	Construction Permits—When Required	07/10/02	07/08/03, 68 FR 40530 .....	
129-19 .....	Prevention of Significant Deterioration of Air Quality	12/15/1998	5/29/02, 67 FR 37327 .....	Refer to January 23, 2002, NDEQ letter to EPA regarding change to 129-17-014. Approved by EPA on May 29, 2002.
129-20 .....	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35)	04/01/02 07/10/02	07/08/03, 68 FR 40530.	
129-21 .....	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County	07/10/02	07/08/03, 68 FR 40530 .....	
129-22 .....	Incinerators; Emission Standards	9/7/97	1/20/00, 65 FR 3134 .....	
129-24 .....	Sulfur Compound Emissions; Existing Sources Emission Standards	6/26/94	1/04/95, 60 FR 372 .....	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129–25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources	9/7/97	1/20/00, 65 FR 3134 .....	
129–30 .....	Open Fires, Prohibited; Exceptions	11/20/02	09/05/03, 68 FR 52694 .....	
129–32 .....	Dust; Duty to Prevent Escape of	6/26/94	1/04/95, 60 FR 372 .....	
129–33 .....	Compliance; Time Schedule for	6/26/94	1/04/95, 60 FR 372 .....	
129–34 .....	Emission Sources; Testing; Monitoring	8/22/2000	5/29/02, 67 FR 37327 .....	
129–35 .....	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction	9/7/97	1/20/00, 65 FR 3134 .....	
129–36 .....	Control Regulations; Circumvention, When Excepted	6/26/94	1/04/95, 60 FR 372 .....	
129–37 .....	Compliance; Responsibility	6/26/94	1/04/95, 60 FR 372 .....	
129–38 .....	Emergency Episodes; Occurrence and Control, Contingency Plans	6/26/94	1/04/95, 60 FR 372 .....	
129–39 .....	Visible Emissions from Diesel-powered Motor Vehicles	6/26/94	1/04/95, 60 FR 372 .....	
129–40 .....	General Conformity	5/29/95	2/12/96, 61 FR 5297 .....	
129–41 .....	General Provision	12/15/1998	5/29/02, 67 FR 37327.	
129–42 .....	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
129–43 .....	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
129–44 .....	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
Appendix I .....	Emergency Emission Reductions	6/26/94	1/04/94, 60 FR 372.	
Appendix II .....	Hazardous Air Pollutants (HAPS)	9/7/97	1/20/00, 65 FR 3134.	

## Title 115—Rules of Practice and Procedure

115–1 .....	Definitions of Terms	8/08/93	1/04/95, 60 FR 372.	
115–2 .....	Filing and Correspondence	8/08/93	1/04/95, 60 FR 372.	
115–3 .....	Public Records Availability	8/08/93	1/04/95, 60 FR 372.	
115–4 .....	Public Records Confidentiality	8/08/93	1/04/95, 60 FR 372.	
115–5 .....	Public Hearings	8/08/93	1/04/95, 60 FR 372.	
115–6 .....	Voluntary Compliance	8/08/93	1/04/95, 60 FR 372.	
115–7 .....	Contested Cases	8/08/93	1/04/95, 60 FR 372.	
115–8 .....	Emergency Proceeding Hearings	8/08/93	1/04/95, 60 FR 372.	
115–9 .....	Declaratory Rulings	8/08/93	1/04/95, 60 FR 372.	
115–10 .....	Rulemaking	8/08/93	1/04/95, 60 FR 372.	
115–11 .....	Variances	8/08/93	1/04/95, 60 FR 372.	

## Lincoln-Lancaster County Air Pollution Control Program Article 1—Administration and Enforcement

Section 1 .....	Intent	5/16/95	2/14/96, 61 FR 5701.	
Section 2 .....	Unlawful Acts—Permits Required	5/16/95	2/14/96, 61 FR 5701.	
Section 3 .....	Violations—Hearing—Orders	5/16/95	2/14/96, 61 FR 5701.	
Section 4 .....	Appeal Procedure	5/16/95	2/14/96, 61 FR 5701.	
Section 5 .....	Variance	5/16/95	2/14/96, 61 FR 5701.	
Section 7 .....	Compliance—Actions to Enforce—Penalties for Non-Compliance	5/16/95	2/14/96, 61 FR 5701.	

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## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 8 .....	Procedure for Abatement	5/16/95	2/14/96, 61 FR 5701.	
Section 9 .....	Severability	5/16/95	2/14/96, 61 FR 5701.	
<b>Article 2—Regulations and Standards</b>				
Section 1 .....	Definitions	8/11/98	1/20/00, 65 FR 3134.	
Section 2 .....	Major Sources—Defined	8/11/98	1/20/00, 65 FR 3134.	
Section 4 .....	Ambient Air Quality Standards	5/16/95	2/14/96, 61 FR 5701.	
Section 5 .....	Operating Permits—When Required	8/11/98	1/20/00, 65 FR 3134.	
Section 6 .....	Emissions Reporting—When Required	8/11/98	1/20/00, 65 FR 3134.	
Section 7 .....	Operating Permits—Application	8/11/98	1/20/00, 65 FR 3135.	
Section 8 .....	Operating Permit—Content	8/11/98	1/20/00, 65 FR 3135 .....	
Section 9 .....	General Operating Permits for Class I and II Sources	5/16/95	2/14/96, 61 FR 5701 .....	
Section 10 .....	Operating Permits for Temporary Services	5/16/95	2/14/96, 61 FR 5701 .....	
Section 11 .....	Emergency Operating Permits—Defense	5/16/95	2/14/96, 61 FR 5701 .....	
Section 12 .....	Operating Permit Renewal and Expiration	5/16/95	2/14/96, 61 FR 5701 .....	
Section 14 .....	Permits—Public Participation	5/16/95	2/14/96, 61 FR 5701 .....	
Section 15 .....	Operating Permit Modifications—Reopening for Cause	8/11/98	1/20/00, 65 FR 3135 .....	
Section 16 .....	Stack—Heights—Good Engineering Practice (GEP)	5/16/95	2/14/96, 61 FR 5701 .....	
Section 17 .....	Construction Permits—When Required	8/11/98	1/20/00, 65 FR 3135 .....	
Section 19 .....	Prevention of Significant Deterioration of Air Quality	5/16/95	2/14/96, 61 FR 5701 .....	
Section 20 .....	Particulate Emissions—Limitations and Standards	3/31/97	1/20/00, 65 FR 3135 .....	
Section 22 .....	Incinerator Emissions	5/16/95	2/14/96, 61 FR 5701 .....	
Section 24 .....	Sulfur Compound Emissions—Existing Sources—Emission Standards	5/16/95	2/14/96, 61 FR 5701 .....	
Section 25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources	5/16/95	2/14/96, 61 FR 5701 .....	
Section 32 .....	Dust—Duty to Prevent Escape of	3/31/97	1/20/00, 65 FR 3135 .....	
Section 33 .....	Compliance—Time Schedule for	5/16/95	2/14/96, 61 FR 5701 .....	
Section 34 .....	Emission Sources—Testing—Monitoring	5/16/95	2/14/96, 61 FR 5701 .....	
Section 35 .....	Compliance—Exceptions Due to Startup Shutdown or Malfunction	5/16/95	2/14/96, 61 FR 5701 .....	
Section 36 .....	Control Regulations—Circumvention—When Expected	5/16/95	2/14/96, 61 FR 5701 .....	
Section 37 .....	Compliance—Responsibility of Owner/Operator Pending Review by Director	5/16/95	2/14/96, 61 FR 5701 .....	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 38 .....	Emergency Episodes—Occurrence and Control—Contingency Plans	5/16/95	2/14/96, 61 FR 5701 .....	
Appendix .....	Emergency Emission Reduction Regulations	5/16/95	2/14/96, 61 FR 5701 .....	
<b>City of Omaha</b> <b>Chapter 41—Air Quality Control</b> <b>Article I In General</b>				
41–2 .....	Adoption of State Regulations with Exceptions	4/1/98	1/20/00, 65 FR 3135.	
41–4 .....	Enforcement—Generally	5/29/95	2/14/96, 61 FR 5701.	
41–5 .....	Same Health Department	5/29/95	2/14/96, 61 FR 5701.	
41–6 .....	Residential Exemptions	5/29/95	2/14/96, 61 FR 5701.	
41–9 .....	Penalties	5/29/95	2/14/96, 61 FR 5701.	
41–10 .....	Civil Enforcement	5/29/95	2/14/96, 61 FR 5701.	
<b>Article II—Permitting of Air Contaminant Sources</b>				
41–23 .....	Prerequisite to Approval	5/29/95	2/14/96, 61 FR 5701.	
41–27 .....	Signature Required; Guarantee	5/29/95	2/14/96, 61 FR 5701.	
41–38 .....	Funds	5/29/95	2/14/96, 61 FR 5701.	
41–40 .....	Fees—When Delinquent	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 1. Generally</b>				
41–60 .....	Definitions	5/29/95	2/14/96, 61 FR 5701.	
41–61 .....	Violations	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 2. Emissions</b>				
41–70 .....	New or Modified Facilities	5/29/95	2/14/96, 61 FR 5701.	
41–71 .....	Existing Facilities	5/29/95	2/14/96, 61 FR 5701.	
41–72 .....	Emission Testing	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 3. Design</b>				
41–80 .....	New or Modified Waste Incinerators	5/29/95	2/14/96, 61 FR 5701.	
41–81 .....	Existing Incinerators	5/29/95	2/14/96, 61 FR 5701.	

(d) EPA-approved state source-specific permits.

## EPA-APPROVED NEBRASKA SOURCE—SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Gould, Inc.	677	11/9/83	1/31/85, 50 FR 4510.	
(2) Asarco, Inc..	1520	6/6/96	3/20/97, 62 FR 13329 .....	The EPA did not approve paragraph 19.

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

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## EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(1) Air Quality Implementation Plan .....	Statewide .....	1/28/72	5/31/72, 37 FR 10842.	The plan was approved except that portion pertaining to Omaha.
(2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval..	Statewide .....	4/25/72	5/31/72, 37 FR 10842.	
(3) Request for Two-Year Extension to Meet the Primary NO <sub>x</sub> Standard..	Omaha .....	1/24/72	7/27/72, 37 FR 15080.	
(4) Clarification of Section 11 of the State's Plan..	Statewide .....	2/16/72	7/27/72, 37 FR 15080.	
(5) Letters Clarifying the Application of the States Emergency Episode Rule..	Omaha .....	10/2/72	5/14/73, 38 FR 12696.	
(6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
(7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide .....	2/10/76	6/23/76, 41 FR 25898.	
(8) Air Monitoring Plan .....	Statewide .....	6/19/81	10/6/81, 46 FR 49122.	
(9) TSP Nonattainment Plan .....	Douglas and Cass Counties.	9/25/80	3/28/83, 48 FR 12715.	
(10) Plan for Intergovernmental Consultation and Coordination and for Public Notification..	Statewide .....	8/9/82	7/5/83, 48 FR 30631.	
(11) Lead Plan .....	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697.	State submittal date is date of the letter.
(12) Lead Nonattainment Plan .....	Omaha .....	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
(13) CO Nonattainment Plan .....	Omaha .....	4/3/85	9/15/86, 51 FR 32640.	
(14) CO Nonattainment Plan .....	Lincoln .....	4/3/85	9/19/86, 51 FR 33264.	
(15) Revised Lead Nonattainment Plan .....	Omaha .....	2/2/87	8/3/87, 52 FR 28694.	
(16) Letter Pertaining to NO <sub>x</sub> Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991..	Statewide .....	3/8/91	7/2/91, 56 FR 30335.	State submittal dates are dates of letters.
(17) Small Business Assistance Program ..	Statewide .....	11/12/92	8/30/93, 58 FR 45452.	
(18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds..	Statewide .....	2/16/94	1/4/95, 60 FR 372.	
(19) Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation..	Omaha, Lincoln .....	9/13/95, 11/9/95	2/14/96, 61 FR 5725.	
(20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145..	City of Lincoln .....	2/5/99	1/20/00, 65 FR 3135.	
(21) Lancaster Co. Resolution 5069, Sections 12 and 13..	Lancaster County ...	2/5/99	1/20/00, 65 FR 3135.	
(22) Nebraska Lead Maintenance SIP .....	Omaha .....	1/18/01	4/20/01, 66 FR 20199.	

[64 FR 7103, Feb. 12, 1999, as amended at 65 FR 3133, Jan. 20, 2000; 66 FR 20199, Apr. 20, 2001; 67 FR 37327, May 29, 2002; 68 FR 40530, July 8, 2003; 68 FR 52694, Sept. 5, 2003; 68 FR 67046, Dec. 1, 2003]